IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8222 OF 2006

Shri Rajendra Krishna Khartode ...Petitioner

Versus

Shri.Tejkumar Bhandari ....Respondent

Rameshwar N.Gite for the petitioner.

CORAM: S.C.DHARMADHIKARI, J.

30th November, 2007

P.C. :

1. In the morning session, the petition was dismissed in default. However upon it being mentioned in the afternoon session, the said order is recalled. Petition restored. Heard forthwith for admission.

2. The only request made by the petitioner is that, while condoning the delay, the Learned Appellate Court imposed certain conditions, which condition he is even today ready and willing to comply with but the

time for complying the same be extended.

3. This is strictly a matter between the court and the petitioner. His appeal was time barred. He applied for condonation of delay in filing the appeal. The delay is condoned by the impugned order but he is directed to deposit the entire decreetal amount in court. That amount is to the tune of Rs.31,837.25/- with interest at the rate of 9.5% p.a. from the date of filing of suit till realisation. The date of decree is March 30, 2002.

4. The petitioner is ready and willing to deposit this amount in the lower appellate court within two months from the date of receipt of the copy of this order. If the amount is deposited within this extended period, the appellate court to accept the same and thereafter register the petitioner’s Appeal and deal with it and dispose it off on merits and in accordance with law. Petition allowed in the above terms. No order as to costs.

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